

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

| | | |
|--|---|-----------------|
| IN THE MATTER OF CHARGES FILED AGAINST |) | |
| POLICE OFFICER RUFUS JAMES, |) | No. 04 PB 2535 |
| STAR No. 8000, DEPARTMENT OF POLICE, |) | |
| CITY OF CHICAGO |) | (CR No. 271398) |

FINDINGS AND DECISION

On January 21, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Rufus James, Star No. 8000, (hereinafter sometimes referred to as "Respondent") seeking his discharge for violating the following Rules:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Rufus James to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on July 6, 2005, August 17, 2005, and December 15, 2005.

Following the hearing, the members of the Police Board read and reviewed a copy of the certified transcription of the hearing

and viewed the video-recording of the hearing. Michael G. Berland, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of the charges, finds and determines that:

1. The Respondent was at all times mentioned herein a police officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted on July 6, 2005, August 17, 2005, and December 15, 2005 before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago.

4. Throughout the hearing, the Respondent did appear in person and was represented by counsel of his choice.

5. The Respondent, Police Officer Rufus James, Star No. 8000, charged herein, contrary to the Rules and Regulations, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count I: On or about May 14, 2001, Officer James stated to Police Officer Misty Henry, "Have you ever been

fucked where you came four times in a row?" thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about May 14, 2001, Officer James pulled Police Officer Misty Henry from a chair and straddled her from behind while moaning in a sexually suggestive manner, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about May 19, 2001, while making a radio transmission, Officer James stated, "I guess I'm guilty till proven innocent," thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent, Police Officer Rufus James, Star No. 8000, charged herein, contrary to the Rules and Regulations, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

Count I: On or about May 14, 2001, Officer James sexually harassed Police Officer Misty Henry in that he made unwelcome sexual advances, requests for sexual favors, and/or conduct of a sexual nature when he stated to Officer Henry, "Have you ever been fucked where you came four times in a row?" and/or pulled Officer Henry from a chair and straddled her from behind while moaning in a sexually suggestive manner, when such conduct had the purpose or effect of substantially interfering with Officer Henry's work performance, or creating an intimidating, hostile, or offensive work environment, thereby violating General Order 00-03, Article II.

Count II: On or about May 19, 2001, while making a radio transmission, Officer James stated, "I guess I'm guilty till proven innocent," thereby violating General Order 97-06, Article II.

7. The Respondent, Police Officer Rufus James, Star No. 8000, charged herein, contrary to the Rules and Regulations, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Count I: On or about May 14, 2001, Officer James stated to Police Officer Misty Henry, "Have you ever been fucked where you came four times in a row?"

Count II: On or about May 14, 2001, Officer James pulled Police Officer Misty Henry from a chair and straddled her from behind while moaning in a sexually suggestive manner.

8. The Respondent, Police Officer Rufus James, Star No. 8000, charged herein, contrary to the Rules and Regulations, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

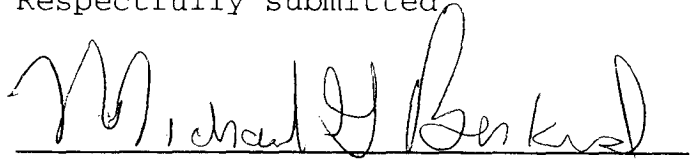
Count I: On or about May 14, 2001, Officer James stated to Police Officer Misty Henry, "Have you ever been fucked where you came four times in a row?"

Count II: On or about May 14, 2001, Officer James pulled Police Officer Misty Henry from a chair and straddled her from behind while moaning in a sexually suggestive manner.

By reason of the findings of fact that Police Officer Rufus James, Star No. 8000, is guilty of violating Rules 2, 6, 8, and 9, cause exists for the suspension of Police Officer Rufus James from his position as a Police Officer with the Department of Police and from the services of the City of Chicago, from January

23, 2004 to and including May 22, 2004.

Respectfully submitted

A handwritten signature in cursive script, reading "Michael G. Berland", written over a horizontal line.

Michael G. Berland
Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Rufus James, Star No. 8000, as a result of having been found **guilty** of charges in Police Board Case No. 04-2535, be and hereby is **suspended** from his position as a Police Officer, and from the services of the City of Chicago, for a period from 23 January 2004 to and including 22 May 2004 (four months).

**DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
19TH DAY OF JANUARY, 2006.**

Samuel G. Carr
Scott Davis
Rep. J. L. Miller
Art Smith
Vito Longo
John J. ...

Max A. ...

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board in Case No. 04-2535.

The undersigned voted to find the Respondent not guilty.

William C. Kunkin
Patricia C. Bobb

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS 27 DAY OF Feb, 2006.

B. D. J. C.
SUPERINTENDENT OF POLICE

Chicago Police Department
Personnel Division

10/19/01

COMPLIMENTARY HISTORY

| <u>Name</u> | <u>Title</u> | <u>SSN</u> | <u>Star</u> | <u>Unit</u> | <u>Detail Unit</u> |
|-------------|--------------|------------|-------------|-------------|--------------------|
| JAMES RUFUS | 9161 | [REDACTED] | 08000 | 004 | |

DEPT. COMMENDATIONS

2

HONORABLE MENTIONS

14

COMPLIMENTARY LETTERS

6

AWARD NUMBER:

01196 9701

OTHER AWARDS:

SPECIAL AWARDS:

| | | | |
|--------------------------------|---|-------------------------------|---|
| <u>Jr. Chamber . of Comm =</u> | 0 | <u>Honored Police Star =</u> | 0 |
| <u>Rich. J Daley Award =</u> | 0 | <u>Life Saving Awd=</u> | 0 |
| <u>Police Medal =</u> | 0 | <u>Hnd Cld Med. of Val =</u> | 0 |
| <u>Supt. Awd of Valor =</u> | 0 | <u>Fitness Award=</u> | 0 |
| <u>Supt. Awd of Merit =</u> | 0 | <u>Appearance Award =</u> | 0 |
| <u>Police Blue Star =</u> | 0 | <u>Special Commendation =</u> | 0 |
| <u>Officer of The Month =</u> | 0 | <u>Partnership Award =</u> | 0 |
| <u>Unit Meritorious =</u> | 0 | <u>Special Serv. Award =</u> | 0 |
| <u>Lambert Tree =</u> | 0 | <u>Problem Solving Awd=</u> | 1 |
| <u>Carter Harrison =</u> | 0 | <u>Blue Shield Awd =</u> | 0 |
| <u>WGN Award =</u> | 0 | | |

Complimentary History Requested By:

| | | | |
|----------------------------|------|-------------|-----------|
| NAME: BRECKENRIDGE CHARLES | 9174 | STAR: 08099 | UNIT: 121 |
|----------------------------|------|-------------|-----------|

CR #: 271398

Completed by:

Demetra Berry
Personnel Division
Records Section -2089-2092
Pax 0-342 or Bell 5-5390

PERSONNEL SERVICES

OCT 19 2001

CHICAGO POLICE DEPARTMENT

C. R. 271398
ATTACHMENT # 30

EX. A, 1 OF 3

19 OCT 2001

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

TO:

COMMANDING OFFICER OF UNIT

121 G

FROM:

RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT:

PREVIOUS DISCIPLINARY RECORD OF:

JAMES RUFUS

8000

004

NAME

(LAST, FIRST, M.I.)

STAR

UNIT

M

B

SEX

RACE

S.S.N.

REFERENCE:

COMPLAINT REGISTER NUMBER(S)

271-398

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

P.O. BRECKENRIDGE

8000

121 G

RANK

NAME

STAR

S.S.N.

UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE LAST FIVE (5) YEARS.

SEE ATTACHED

VERIFIED/PREPARED BY

IVY KNOX

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

EX. A, 2/3

C.R. 271398

ATTACHMENT # 30

CHICAGO POLICE DEPARTMENT

Sustained Complaints History Report

19-OCT-2001

17:16

| <u>Social Sec. #</u> | <u>Name</u> | <u>Star #</u> | <u>Emp. #</u> | <u>Rank</u> | <u>Description</u> | <u>Unit</u> |
|----------------------|-------------|---------------|---------------|-------------|--------------------|-------------|
| [REDACTED] | JAMES RUFUS | | 301322 | 9161 | POLICE OFFICER | 004 |

| <u>Sex</u> | <u>Race</u> | <u>Birth Date</u> | <u>Appointed Date</u> | <u>No. Of CR's</u> | <u>No. Of SPAR's</u> |
|------------|-------------|-------------------|-----------------------|--------------------|----------------------|
| M | BLACK | 03-JAN-1966 | 27-AUG-1990 | 0 | 1 |

| <u>Case #</u> | <u>Incident Date</u> | <u>Suspension Dates</u> | <u>Disciplinary Action Taken</u> | <u>Final Category</u> | <u>Less Serious Transgression</u> |
|---------------|----------------------|-------------------------|----------------------------------|--------------------------------|-----------------------------------|
| S010367 | 03-JAN-2001 | | REPRIMAND | 005-COURT APPEARANCE VIOLATION | SUSTAINED |

| <u>Civil Suit #</u> | <u>Police Board #</u> |
|---------------------|-----------------------|
| | |

| <u>Comments</u> |
|-----------------|
| TRAFFIC COURT |

C.R. 271398
 ATTACHMENT # 30 of 30

271398

EX.A, 3/3